

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahr	Team: Squad #13	CCRB Case #: 202004642	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 6:43 PM	Location of Incident: Tillary Street and Gold Street	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/05/2020 4:08 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/05/2020 4:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Toby Lau	11112	964607	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Toby Lau	Abuse: Police Officer Toby Lau refused to provide his name to § 87(2)(b)	
B.POM Toby Lau	Abuse: Police Officer Toby Lau refused to provide his shield number to § 87(2)(b)	

### Case Summary

On June 5, 2020, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On June 3, 2020 at 6:43pm, § 87(2)(b) was headed to a protest at the Barclays Center when, at Gold Street and Tillary Street in Brooklyn, he approached Police Officer Toby Lau of the 84<sup>th</sup> Precinct, who was working as stationhouse security and standing behind a barricade near that stationhouse. PO Lau's nameplate was missing from his uniform and his shield number was covered by a black "mourning band." § 87(2)(b) began filming PO Lau and requested PO Lau's name and shield number multiple times, but PO Lau refused to provide that information (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). No arrest or summons resulted from this incident.

The Body Worn Camera ("BWC") footage request for this incident was returned negative. PO Lau was not equipped with a BWC at the time of the incident. § 87(2)(b) recorded this incident on his cell phone and he provided the video to the investigation. The footage is attached to IA # 25 and is summarized in IA # 26 (**Board Review 01 and 02**).

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: Police Officer Toby Lau refused to provide his name to**

§ 87(2)(b)

#### **Allegation (B) Abuse of Authority: Police Officer Toby Lau refused to provide his shield number to**

§ 87(2)(b)

§ 87(2)(b) and PO Lau both testified that § 87(2)(b) walked up to PO Lau and began recording him. Their CCRB statements were consistent with the cell phone video of the incident (**Board Review 03; Board Review 04**). The one minute and three seconds video depicts § 87(2)(b) asking where PO Lau's nameplate is twice. PO Lau responds, "Like I said, we also have interim orders." § 87(2)(b) again asks PO Lau where his nameplate is and points out that PO Lau's shield number is not visible. PO Lau says "Like I said, we also have interim orders. When we're given orders from directly above, it's different." § 87(2)(b) says "What's your name, officer? What's your name and badge number? You gotta identify yourself at least, I'm just curious. I want to let the people know – I'm streaming right now, let the people know. Help me out. What's your name and badge number?" PO Lau has § 87(2)(b) confirm that he is live streaming the interaction. § 87(2)(b) again asks, "What's your badge number?" PO Lau responds, "Yeah, right now I'm not giving that away, man. It's different times right now" (**Board Review 01**). § 87(2)(b) and PO Lau both testified that the interaction lasted a few minutes and concluded with § 87(2)(b) walking away without being provided with PO Lau's name or shield number.

PO Lau testified that he did not realize his mourning band was covering his shield number during this incident. He said mourning bands are supposed to be worn on one's shield, but above the shield number. The interim order PO Lau referenced instructed members of service to wear mourning bands on their shields to memorialize members of service who had died from COVID-19. It did not instruct officers to use mourning bands to cover their shield numbers. PO Lau was not wearing his nameplate on his uniform because he had seen other officers without their nameplates affixed to their uniforms, which led him to conclude that that was what they were supposed to do. PO Lau did not provide his name and shield number to § 87(2)(b) upon request because he did not think it was safe to provide his identifying information while § 87(2)(b) was live streaming the encounter to unknown viewers online. PO Lau did not feel unsafe or threatened by § 87(2)(b) specifically (**Board Review 04**).

Officers must courteously and clearly state their rank, name, shield number, and command, or otherwise provide that information, to anyone who requests they do so. NYPD Patrol Guide,

Procedure 203-09 (**Board Review 05**).

§ 87(2)(g) [REDACTED]

**Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- Police Officer Lau has been a member of service for two years and this is the first CCRB complaint in which he has been a subject.

**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of September 22, 2020, § 87(2)(b) [REDACTED] has not filed a Notice of Claim with the NYC Comptroller's Office regarding this incident (**Board Review 07**).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of criminal convictions (**Board Review 08**).

---

Squad No.: 13

Investigator:	<u>Inv. Emma Stydahr</u>	<u>Inv. Emma Stydahr</u>	<u>10/01/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>IM Laura Kastner</u>	<u>IM Laura Kastner</u>	<u>10/01/2020</u>
	Signature	Print Title & Name	Date